

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 5-12 and 16-22 are pending in the application. No claim amendments are presented, thus, no new matter is added.

In the outstanding Official Action, Claims 1, 5, 7-9, 12 and 16-20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Yoon et al. (U.S. Patent No. 6,628,971, hereinafter Yoon) in view of Okawa (U.S. Patent No. 6,832,105); Claims 6 and 17 were rejected under 35 U.S.C. § 103(a) as unpatentable over Yoon in view of Okawa and further in view of Hubbe (U.S. Patent No. 6,667,748, hereinafter Hubbe); Claims 10 and 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Yoon in view of Okawa and further in view of Pedersen et al. (U.S. Patent No. 6,684,087, hereinafter Pedersen); and Claims 11 and 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Yoon in view of Okawa and further in view of Fogarty (U.S. Patent No. 6,311,180).

The Official Action rejected Claims 1, 5, 7-9, 12 and 16-20 under 35 U.S.C. § 103(a) as unpatentable over Yoon in view of Okawa. The Official Action cites Yoon as disclosing Applicants' invention with the exception of the background images displayed in a sequence according to pre-set parameters received from a base station. The Official Action cites Okawa as disclosing this claimed feature and states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to arrive at Applicants' claims. Applicants respectfully traverse this rejection.

Independent Claim 1 is directed to a method for providing a background image for a display of a communication device, whereby the data of background images are stored in at

least one memory accessible for said communication device. The method comprising the steps of:

- a) automatically selecting background images to be displayed, ***according to pre-set parameters received from a base station;***
- b) retrieving the data of said automatically selected background images from said memory ***wherein said pre-set parameters are received independent from the storing and retrieving of said data of said background images;*** and
- c) ***displaying said retrieved background images in sequence as defined by said pre-set parameters on said display of said mobile telephone.***

Independent Claim 12, while directed to an alternative embodiment, recites substantially similar features. Accordingly, the arguments presented below are applicable to each of independent Claims 1 and 12.

Yoon, the primary reference, describes a method for displaying a background image in a mobile telephone that downloads background images from a computer, stores the downloaded background images in a memory, and displays a selected one of the stored background images.¹ Yoon also describes that the method includes displaying the selected background image for a predetermined time and interrupting the display of the background image upon receiving a notification that an urgent character message display has been received.²

Yoon, however, fails to teach or suggest “***displaying said retrieved background images in a sequence as defined by said pre-set parameters,***” as recited in independent Claim 1.

At col. 3, line 35 – col. 4, line 4, Yoon describes that a user selects a background image to be displayed and the controller (111) of the mobile telephone (100) determines whether a background image display request condition exists. Thus, Yoon describes that the

¹ Yoon, Abstract.

² Id.

selected background image is displayed unless such display is preempted by a condition such as the receipt of an urgent character message which may be displayed immediately. Thus, Yoon is concerned with the conditions of interrupting the display of a background image in order to display an urgent character message, and fails to teach or suggest controlling the sequence by which background images are displayed based on pre-set parameters.

Therefore, Yoon fails to teach or suggest “***displaying said retrieved background images in a sequence as defined by said pre-set parameters,***” which is a feature for which it is asserted as a primary reference under 35 U.S.C. § 103.

Turning to the applied secondary reference, Okawa describes a cellular phone configured to use information package data, which includes data to be displayed and appended data used to provide instructions for displaying data, to perform displaying operations based on instructions contained in the appended data.³ Thus, Okawa describes that a mobile phone receives both data to be displayed and instructions for displaying the data simultaneously in a single information package at a mobile telephone.

Okawa, therefore, fails to teach or suggest “automatically selecting background images to be displayed, from said stored background images, ***according to pre-set parameters received from a base station***” wherein “said pre-set parameters are received ***independent from the storing and retrieving of said data of said background images,***” as recited in independent Claim 1.

In addressing the above-noted claimed features, the outstanding Official Action relies on col. 5, lines 27-45 of Okawa. However, the cited portion of Okawa simply describes that a MMI control section (5), in accordance with instructions from a main control section (4), instructs a display section (7) to display various images to inform the user of the arrival of signals by vibration. However, the description of all the embodiments of Okawa exclusively

³ Okawa, Abstract.

describe that the mobile device receives information package data containing both image data and additional data to control the display of the image data. Specifically, as described at col. 5, lines 60-63, col. 6, lines 29-32 and 59-62, and col. 7, lines 51-54 with reference to Figs. 2-7, respectively, which all describe that the information transmitted to the mobile phone includes both image data, as well as the instructions for displaying the image data. Thus, every single embodiment of Okawa describes a situation in which the additional data comprising information and instructions for controlling the display of the image data are directly linked to the image data and received together with the image data in an information package.

A major distinction of the present invention as compared to the applied references is that the claimed invention separates the receiving of the pre-set parameters from the storing and retrieving of the data of the background images. Since the claimed invention suggest to decouple the information (e.g., background images) to be displayed from the receiving and storing of the control data (e.g., pre-set parameters) for controlling the display of the information, the present invention provides a flexible method and system for providing and displaying background images, which is neither taught, nor rendered obvious by the applied references. Neither Yoon or Okawa, neither alone, nor in combination describe a similar functionality.

Therefore, Yoon and Okawa fail to teach or suggest “automatically selecting background images to be displayed, from said stored background images, ***according to pre-set parameters received from a base station***” and retrieving the data of the automatically selected background images from the memory “***wherein said pre-set parameters are received independent from the storing and retrieving of said data of said background images***” and “displaying the retrieved background images in a sequence as defined by said pre-set parameters,” as recited in independent Claim 1.

Accordingly, Applicants respectfully request that the rejection of Claim 1 (and the claims that depend therefrom) under 35 U.S.C. § 103(a) be withdrawn. For substantially similar reasons, it is also submitted that independent Claim 12 (and the claims that depend therefrom) patentably define over Yoon and/or Okawa.

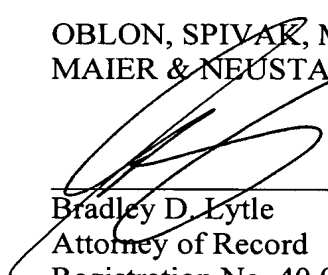
With regard to the rejection of Claims 6, 10-11, 17 and 21-22 under 35 U.S.C. § 103 as unpatentable over Yoon and Okawa in view of Pedersen, Fogarty, and Hubbe, it is noted that these claims depend from one of independent Claims 1 or 12, and are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that none of Hubbe, Pedersen, nor Fogarty remedy any of the above-noted deficiencies of Yoon and Okawa.

Accordingly, Applicants respectfully request that the rejection of Claims 6, 10-11, 17 and 21-22 under 35 U.S.C. § 103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 5-12 and 16-22 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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